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TO: State Agency Directors
FROM: Governor Chris Gregoire *Chris*
SUBJECT: Open Records/Public Records Act

I know you share my support for open government and our state's Public Records Act (Act). As more public records are available electronically, state agencies have an opportunity to work with people who request electronic copies of public records and, when possible, make electronic copies of non-exempt public records available in electronic format.

Numerous writers, scholars and lawyers have expressed views on the topic of production of electronic records. Very few states have addressed any aspect of this issue in their state public records laws. At least one court has ruled that Washington's Public Records Act does not require the production of electronic copies of non-exempt public records. Today, regardless of the technical requirements of the Act, I am asking all state agency public records officers to work with people who request electronic copies of non-exempt public records and, whenever possible, to satisfy these requests.

I know this will be new work and, in some cases, a new challenge for state agencies. To provide support, I am asking that the Department of Information Services designate a team to serve as a resource for state agency records officers and information technology departments, as they work to respond to these requests in the coming year.